

REMARKS

This is intended as a full and complete response to the Office Action dated November 18, 2003. Claims 1-18 stand rejected under one or more sections of the Patent Act, namely 35 U.S.C. § 112 for informalities, double patenting under the judicially created doctrine of obviousness, § 102(e), and § 103(a). New dependent claims 19-25 in part reflect some of the changes regarding the above informalities. The Applicant has addressed the rejections herein and the Examiner is respectfully requested to reconsider the claims. The Examiner is requested to contact the undersigned if there are any remaining issues that the Examiner believes could be resolved in an interview that would result in an allowance.

Claims 1-18 stand rejected under 35 U.S.C. § 112 as being indefinite with "or," "may," "any," and other aspects used from the U.K. These informalities have been addressed in the claims as currently presented and in conjunction with new dependent claims 19-25. No new matter is added and the changes are consistent with the description. For example, in claim 10, the term "a direct electronic link or a modem" has been substituted with the term "an electronic communicative device" from page 18, lines 3-6 of the Application. The Examiner is respectfully requested to withdraw the rejection.

Claims 1-18 stand rejected under the judicially created doctrine of obviousness-type double patenting over claim 1 of U.S. Pat. 6,598,631 and 6,615,880 (assigned to the present Assignee) in view of *Seo*. The Examiner states that *Seo* discloses a customization controller 5, where the cited patents could include such a controller.

The Applicant respectfully traverses the rejection. *Seo* discloses a controller 420 for monitoring when a coin is inserted and the coin's authenticity, dispensing standardized products

from a selection list, sensing the location of a cup dispenser and making necessary adjustments in the location, filling the cup when dispenser is properly located, and related functions. *Seo* only discloses standardized, formulated products for filling the cup. *Seo* does not teach, show, or suggest any selective customisation of the consumer product by any customer. Further, there is no motivation to combine *Seo* with either of the two referenced patents to obtain a customisation controller. The combination of either of the cited patents with *Seo* would not yield a customisation controller to customise the consumer product. The Examiner is respectfully requested to withdraw the obviousness-type double patenting rejection.

Claims 1, 2, 3, 6, and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Seo*. The Examiner states that *Seo* discloses preparing said consumer products according to selection of product characteristics made by a consumer, optionally reconstituting with one or more other components, and dispensing from a vending system at the point-of-sale.

The Applicant respectfully traverses this rejection. *Seo* discloses dispensing standardized products using pre-selected standardized components for each product. The consumer enters a product selection, such as a drink, and the drink is dispensed according to a preformulated composition. The selection is not the component, but the product itself. *Seo* does not teach, show, or suggest being able to select one or more *components* of a customizable consumer product according to the particular characteristics chosen by the consumer. The Examiner is requested to withdraw the rejection.

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Seo* in view of *Partyka*. The Examiner states that *Seo* answers the limitations of independent claims 1 and 6, discussed above, but acknowledges that there is no teaching of remote controlling or

ordering. The Examiner relies on *Partyka* to disclose using a remote controller to direct communications to plural vending machines, and able to effect simultaneous processing of plural orders. The Examiner states it would be obvious to modify *Seo* to include the remote controller, so that simultaneous operations can be obtained.

The Applicant respectfully traverses the rejection. *Seo* has been distinguished above. *Partyka* teaches a monitoring system, not a controlling system. *Partyka* recognizes a problem in the accuracy of data from vending machines caused by monitoring when the vend motor is energized. (Col. 1, line 44-col. 2, line 4.) *Partyka* solves this problem by monitoring when a coin is inserted or charge is indicated and then monitoring for a period the motor/sold out signals to detect which bin corresponds to the motor vending the product for more accurate results. (Col. 6, lines 16-47.) It uses this information to establish a more accurate service schedule. (Col. 2, lines 5-16.) *Partyka* does not teach, show, or suggest a controlling circuit to activate, customize, parallel process, batch process or other controlling functions as claimed in the present invention. The combination of *Seo* with *Partyka* would yield a vending machine of standardized products with a more accurate service schedule and not the claimed invention. The Examiner is requested to withdraw the rejection.

In conclusion, the references cited by the Examiner does not teach, show or suggest the present invention. Therefore, it is believed that the rejections made by the Examiner have been obviated, and Applicant respectfully requests that the same be withdrawn. Allowance of the claims is therefore requested.

Respectfully submitted,

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